

Caption in Compliance with D.N.J. LBR 9004-1(b)

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*Counsel to KeyBank, N.A.*

In Re:  
Christopher B. Johannesen, Erin P. Johannesen  
  
Debtors.



Order Filed on April 18, 2019 by  
Clerk U.S. Bankruptcy Court  
District of New Jersey

Case No.: 18-33430  
Judge: JKS  
Hearing Date(s):  
Chapter: 13

Recommended Local Form

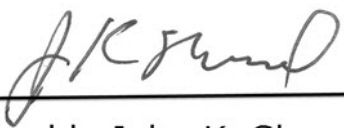
☒ Followed

☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY  
AND/OR MOTION TO DISMISS  
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

**DATED: April 18, 2019**

  
\_\_\_\_\_  
Honorable John K. Sherwood  
United States Bankruptcy Court

Applicant: KeyBank, N.A.  
Applicant's Counsel: Ronald S. Gellert, Esq.  
Debtor's Counsel: John Scura, Esq.  
Property Involved ("Collateral"): 2013 Ford F250 (VIN 1FT7W2B63DEB88404)  
Relief sought: ☒ Motion for relief from the automatic stay  
☐ Motion to dismiss  
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 3 months, from Dec 2018 to Feb 2019.
- ☒ The Debtor is overdue for 3 payments at \$ 577.83 per month.
- ☐ The Debtor is assessed for            late charges at \$                      per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$                      received after the motion was filed.

Total Arrearages Due \$                     .

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$ 1,733.49. Payment shall be made no later than 4/30/2019.
- ☒ Beginning on 5/16/2019, regular monthly mortgage payments shall continue to be made in the amount of \$ 577.83.
- ☐ Beginning on                     , additional monthly cure payments shall be made in the amount of \$                      for                      months.

☐ The amount of \$\_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$\_\_\_\_\_ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☒ Regular monthly payment: No change in payment address  
\_\_\_\_\_  
\_\_\_\_\_

☐ Monthly cure payment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$\_\_\_\_\_, and costs of \$\_\_\_\_\_.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☒ Attorneys' fees are not awarded.

**Certificate of Notice Page 5 of 5**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Christopher B Johannesen  
Erin P Johannesen  
Debtors

Case No. 18-33430-JKS  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Apr 18, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 20, 2019.  
db/jdb +Christopher B Johannesen, Erin P Johannesen, 8 Joyce Drive, Succasunna, NJ 07876-1815

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 20, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 18, 2019 at the address(es) listed below:

David L. Stevens on behalf of Debtor Christopher B Johannesen dstevens@scuramealey.com,  
ecfbkfilings@scuramealey.com;dsklar@scuramealey.com;mmack@scura.com;lrichard@scura.com;jesposito@  
scuramealey.com  
David L. Stevens on behalf of Joint Debtor Erin P Johannesen dstevens@scuramealey.com,  
ecfbkfilings@scuramealey.com;dsklar@scuramealey.com;mmack@scura.com;lrichard@scura.com;jesposito@  
scuramealey.com  
Deborah T. Feldstein on behalf of Creditor US Bank Cust Actlien Holding dfeldstein@caplaw.net  
John J. Scura, III on behalf of Joint Debtor Erin P Johannesen jscura@scuramealey.com,  
ecfbkfilings@scuramealey.com;dsklar@scuramealey.com;mmack@scura.com;lrichard@scura.com;jesposito@  
scuramealey.com  
John J. Scura, III on behalf of Debtor Christopher B Johannesen jscura@scuramealey.com,  
ecfbkfilings@scuramealey.com;dsklar@scuramealey.com;mmack@scura.com;lrichard@scura.com;jesposito@  
scuramealey.com  
Kevin Gordon McDonald on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION  
kmcDonald@kmlawgroup.com, bkgrou@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Ronald S. Gellert on behalf of Creditor KeyBank, N.A. rgellert@gsbblaw.com,  
abrown@gsbblaw.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9